

EXHIBIT #2

Steve Beebe Deposition

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Case No. CV-085-FHS

1 Q To stop him from moving towards you
2 is the only reason you fired the Taser?

3 A No. We were trying to get him
4 under control and trying to subdue him.

5 Q Why?

6 A We didn't want him to hurt himself.
7 There were medical personnel to my right
8 standing close to him, we were worried about
9 their safety. I was afraid he was going to run
10 into one of the rooms. There was a lot of
11 things to consider.

12 Q Why did you think it was a
13 possibility he might run into a room?

14 A Because he was not in his right
15 mind, and there was a lot of elderly patients in
16 that hospital in that area.

17 Q When did you determine he was not
18 in his right mind?

19 A When he was screaming and yelling.

20 Q You made that decision at that
21 time?

22 A At that time I determined we needed
23 to try to do something to subdue him before he
24 hurt anyone.

25 Q In the video, tell me if I am

1 wrong, but we see Mr. Leija walk in his room,
2 walk away from his room and start walking down
3 the hall with you, Atnip, and Beebe behind him.
4 And then walks out of the camera view and we
5 know he stops and you have a conversation with
6 him. Why did he stop?

7 MR. ANDERSON: Object to the form
8 of the question.

9 Q (BY MR. BEAVER) Do you remember
10 that on the video, him walking out of his room?

11 A I remember seeing that on the
12 video.

13 Q Do you know why he stopped?

14 A He stop probably because everybody
15 was talking to him.

16 Q Who was talking to him?

17 A Pickens.

18 Q Do you remember what Pickens said
19 that would make him stop?

20 A No, sir, I don't remember what he
21 said.

22 Q Do you have any idea what made him
23 stop?

24 A No.

25 Q Did he, in fact, tell him to stop?

1 A I don't remember saying to him to
2 stop. I remember him talking to him, trying to
3 calm him down.

4 Q If other witnesses, the medical
5 personnel say they heard him tell Mr. Leija to
6 stop, do you disagree with that?

7 MR. ANDERSON: Object to form.

8 THE WITNESS: No, I don't disagree
9 with what they say, because I don't know.

10 MR. ANDERSON: Object to form.

11 Q (BY MR. BEAVER) At this point when
12 he was walking down the hallway from his room,
13 had he committed any crimes?

14 A Can you state that question again?

15 Q When Mr. Leija was just walking
16 down the hallway away from his room, when you
17 first saw him, had you seen him commit any
18 crime?

19 A No, sir.

20 Q Had you been told he committed any
21 crime?

22 A No, sir.

23 Q Did he appear to have any weapons?

24 A No.

25 Q Did he appear to have any place

1 where he could have been hiding any weapons?

2 A No.

3 Q Did you know he was a patient at
4 the hospital at the time you saw him again?

5 A At the time when I saw him again,
6 yes.

7 Q Would you have authority as a law
8 enforcement officer to tell him to stop at that
9 time as he walked away from his room?

10 A No.

11 Q Do you know what authority Officer
12 Pickens would have had to tell him to stop,
13 based upon what you saw?

14 A No.

15 Q Do you agree that he had the right
16 to leave the hospital at any time if he wanted
17 to?

18 A Yes.

19 Q At any time before he lost
20 consciousness, what had you learned about his
21 medical condition, other than he was a patient
22 at the hospital?

23 A I didn't know anything about his
24 medical condition.

25 Q Did you ask anybody?

1 A No, sir.

2 Q Why not?

3 A Officer Pickens and Deputy Atnip
4 were up there talking to him first.

5 Q Would it be important for you to
6 know what a medical condition was before you
7 went up to the hospital and shot someone with a
8 Stinger?

9 MR. ANDERSON: Object to the form.

10 THE WITNESS: Yes.

11 MR. BEAVER: But you didn't know.

12 THE WITNESS: No.

13 Q (BY MR. BEAVER) When was the first
14 time that you heard officers or anybody tell him
15 to get on his knees?

16 A The first time probably Deputy
17 Atnip asked him to do that.

18 Q Was that before he took the ports
19 out of his arms or his hands?

20 A No.

21 Q Did you see Mr. Leija commit any
22 crimes at all that night?

23 A When he was slinging the blood
24 around and progressing towards us.

25 Q Do you believe that was a crime?

1 Stinger out?

2 A Yes.

3 Q From the time you pulled your
4 Stinger out up until the time you shoot him with
5 a Stinger, did you ever retrieve backwards away
6 if him?

7 A Yes.

8 Q How many times?

9 A I probably took three steps back.
10 We gave him several commands before I deployed
11 the Stinger.

12 Q What crimes do you believe you saw
13 him commit that night?

14 A The crime of assault on a police
15 officer as he was slinging blood at us.

16 Q Did you see him do that?

17 A Yes.

18 Q You believe when you saw him do
19 that, that's what he was trying to do was sling
20 blood on you?

21 A He raised his fists at us, wanted
22 to fight us.

23 Q Did you believe he was trying to
24 sling blood or use his blood as a weapon?

25 A Yes.

1 Q Who was he trying to use his blood
2 as a weapon against?

3 A The officers.

4 Q Later on that night -- or sometime
5 later you wrote a statement about what happened?

6 A Yes.

7 Q When did do you that?

8 A I did it after it all happened that
9 night.

10 Q Who asked you to do that?

11 A No one really asked me. That's
12 just what we did. That was the policy.

13 Q Did you also talk to police
14 officers that night?

15 A Yes.

16 Q Did you talk to OSBI agents that
17 night?

18 A Yes.

19 Q Did you give them a written
20 statement that night or did you do an interview
21 with the OSBI agent?

22 A To the best of my memory, I did a
23 verbal interview with them.

24 Q Have you read that statement?

25 A I have.

1 A I believe Officer Pickens was
2 talking to him. I won't say he was giving him
3 orders, he was talking to him and trying to get
4 him to calm down.

5 Q Did you tell him to go back to his
6 room before he pulled the ports out?

7 A I believe someone told him -- asked
8 him to go back to his room and they could help
9 him in there.

10 Q Did you tell OSBI that you believe
11 you had seen Mr. Leija commit a crime before
12 shooting him with your Stinger?

13 A I don't remember. I honestly don't
14 remember what I told them.

15 Q Did you write in your report that
16 night that you believed you saw Mr. Leija commit
17 a crime?

18 A Not to my knowledge.

19 Q Why not? Would that be important
20 for you to write?

21 A The report I did that night about
22 the incident, you know, was the best I could
23 remember at that point.

24 Q I am handing you a copy of the
25 interview that OSBI conducted with you.